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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 v.

18 SWISH MARKETING, INC., a corporation,

19 MARK BENNING, individually and as an
officer of SWISH MARKETING, INC.,

20 MATTHEW PATTERSON, individually and
21 as an officer of SWISH MARKETING, INC.,
22 and

23 JASON STROBER, individually and as an
officer of SWISH MARKETING, INC.,

24 Defendants.
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Case No. C09-03814 -RS

[Magistrate Judge Joseph C. Spero]

**STIPULATION AND
[PROPOSED] ORDER TO
CONTINUE SETTLEMENT
CONFERENCE**

26 Plaintiff Federal Trade Commission, and defendants Swish Marketing, Inc., Jason
27 Strober, Matthew Patterson and Mark Benning, by and through their respective counsel of
28 record, hereby request that the October 12, 2010 Settlement Conference be continued to

STIPULATION TO EXTEND DISCOVERY SCHEDULE - C09 3814 RS

November 15, 2010 at 9:30 a.m. The reason for this request for a continuance is that the Federal Trade Commission did not receive a written response to its demand from defendant Swish Marketing, Inc. eight days prior to the scheduled conference, as contemplated by the Notice of Settlement Conference and Settlement Conference Order (Dkt #107).

If the parties choose to provide the Court with an updated settlement statement, they agree to do so no later than one week prior to the conference.

The filer attests that concurrence in the filing of this document has been obtained from each of the other signatories.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: 10/8/2010

/s/ Lisa D. Rosenthal

LISA D. ROSENTHAL
KERRY O'BRIEN
EVAN ROSE
ERIC D. EDMONDSON

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

DATED: 10/8/2010

/s/ Brian Grossman

BRIAN GROSSMAN
TESSER & RUTTENBERG

Attorneys for Defendants
SWISH MARKETING, INC.,
MATTHEW PATTERSON, and
JASON STROBER

DATED: 10/8/2010

/s/ Jay Fowler

DANIEL J. BERGESON
JAY FOWLER
ELIZABETH D. LEAR
BERGESON, LLP

Attorneys for Defendant
MARK BENNING

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 10/12/10

